IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

LA.App.No. 1387 of 2003

LAR.47/1994 of PRINCIPAL SUB COURT,ERNAKULAM
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APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.K.R. DEEPA.

RESPONDENTS/CLAIMANTS:
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1. **THE SECRETARY, KARUNAGAPPALY CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD., NO.Q.467, KARUNAGAPPALLY.**

2. **JAMEELA MUHAMMED KUNJU, AGED 42, D/O.LATE ASUMA BEEVI KUTTIYIL PUTHEN VEEDU, EDAKKULANGARA, KARUNAGAPPALLY.**

3. **MUHAMMED SALIM, AGED 40 YEARS, S/O. LATE ASUMA BEEVI OF DO. DO. DO.**

4. **LAILA BEEVI, AGED 38 YEARS, D/O.LATE ASUMA BEEVI, OF DO. DO. DO.**

5. **RAMLA SHAHUL, AGED 36 YEARS, D/O.LATE ASUMA BEEVI, OF DO. DO. DO. DO.**

6. **NOORJAHAN, AGED 32 YEARS, D/O.LATE ASUMA BEEVI, OF DO. DO. DO. DO.**

7. **RASIYA SHAMSUDEEN, AGED 30 YEARS, D/O.LATE ASUMA BEEVI OF DO. DO. DO. DO.**

8. **NOUSHAD, D/O.LATE ASUMA BEEVI, OF DO. DO. DO.**

9. **NASEEMA SAIFUDEEN, AGED 26 YEARS, D/O.LATE ASUMA BEEVI, OF DO. DO. DO. DO.**

BY ADV. SRI. M. SHAHEED AHMAD

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1387 OF 2003

Dated this the 18th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 47/1994 on the file of the Principal Sub Court, Kollam. Acquisition is for the purpose of doubling of railway line.

2. Though Exhibit A1 as such is not relied on, reference is made to Exhibit A1 for the purpose of fixation of land value. It is brought to our notice that Exhibit A1 judgment has become final in L.A.A. No. 1881/2002 where the land value is Rs. 44,460/- per Are. The value fixed in this case is below the rate fixed in Exhibit A1. It has also come out in evidence that the property is situated opposite to the railway station.

For all the above reasons, we do not find any merit in the appeal and it is accordingly dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp